

AMENDED IN ASSEMBLY APRIL 1, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2103**

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**Introduced by Assembly Member Gomez**

February 20, 2014

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An act to amend Section 76300 of the Education Code, relating to community colleges.

LEGISLATIVE COUNSEL'S DIGEST

AB 2103, as amended, Gomez. Community colleges: ~~Board of Governors Fee Waiver Program.~~ *student fees.*

Existing law establishes the California Community Colleges under the administration of the Board of Governors of the California Community Colleges, and establishes community college districts throughout the state that operate community colleges and provide instruction to students. Existing law requires community college districts to charge each student a fee of \$46 per unit per semester. Existing law requires the waiver of this fee for students meeting prescribed requirements.

This bill would ~~express the intent of the Legislature to enact legislation later in the 2014–15 Regular Session that would modify the fee waiver program of the Board of Governors of the California Community Colleges to waive fees under the program where the student's residency status was improperly classified~~ *reduce the fee to \$44 per unit per semester, effective with spring term of the 2015 calendar year. Because this bill would impose new duties on community college districts by changing the amount of this fee, the bill would constitute a state-mandated local program.*

*The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.*

*This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.*

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.  
State-mandated local program: ~~no~~-yes.

*The people of the State of California do enact as follows:*

1     *SECTION 1. Section 76300 of the Education Code, as amended*  
2     *by Section 2 of Chapter 624 of the Statutes of 2012, is amended*  
3     *to read:*

4     76300. (a) The governing board of each community college  
5     district shall charge each student a fee pursuant to this section.

6     (b) (1) The fee prescribed by this section shall be ~~forty-six~~  
7     ~~dollars (\$46)~~ *forty-four dollars (\$44)* per unit per semester,  
8     effective with the ~~summer~~ *spring* term of the ~~2012~~ *2015* calendar  
9     year.

10    (2) The board of governors shall proportionately adjust the  
11    amount of the fee for term lengths based upon a quarter system,  
12    and also shall proportionately adjust the amount of the fee for  
13    summer sessions, intersessions, and other short-term courses. In  
14    making these adjustments, the board of governors may round the  
15    per unit fee and the per term or per session fee to the nearest dollar.

16    (c) For the purposes of computing apportionments to community  
17    college districts pursuant to Section 84750.5, the board of  
18    governors shall subtract, from the total revenue owed to each  
19    district, 98 percent of the revenues received by districts from  
20    charging a fee pursuant to this section.

21    (d) The board of governors shall reduce apportionments by up  
22    to 10 percent to any district that does not collect the ~~fees~~ *fee*  
23    prescribed by this section.

24    (e) The fee requirement does not apply to any of the following:

25    (1) Students enrolled in the noncredit courses designated by  
26    Section 84757.

(2) California State University or University of California students enrolled in remedial classes provided by a community college district on a campus of the University of California or a campus of the California State University, for whom the district claims an attendance apportionment pursuant to an agreement between the district and the California State University or the University of California.

(3) Students enrolled in credit contract education courses pursuant to Section 78021, if the entire cost of the course, including administrative costs, is paid by the public or private agency, corporation, or association with which the district is contracting and if these students are not included in the calculation of the full-time equivalent students (FTES) of that district.

(f) The governing board of a community college district may exempt special part-time students admitted pursuant to Section 76001 from the fee requirement.

(g) (1) The fee requirements of this section shall be waived for any student who meets all of the following requirements:

(A) Meets minimum academic and progress standards adopted by the board of governors, which fulfill the requirements outlined in this paragraph and paragraphs (2) to (5), inclusive. Any minimum academic and progress standards adopted pursuant to this section shall be uniform across all community college districts and campuses. These standards shall not include a maximum unit cap, and community college districts and colleges shall not impose requirements for fee waiver eligibility other than the minimum academic and progress standards adopted by the board of governors and the requirements of subparagraph (B).

(B) Meets one of the following criteria:

(i) At the time of enrollment, is a recipient of benefits under the Temporary Assistance for Needy Families program, the Supplemental Security Income/State Supplementary Payment Program, or a general assistance program.

(ii) Demonstrates eligibility according to income standards established by regulations of the board of governors.

(iii) Demonstrates financial need in accordance with the methodology set forth in federal law or regulation for determining the expected family contribution of students seeking financial aid.

(2) (A) The board of governors, in consultation with students, faculty, and other key stakeholders, shall consider all of the

1 following in the development and adoption of minimum academic  
2 and progress standards pursuant to subparagraph (A) of paragraph  
3 (1):

4 (i) Minimum uniform academic and progress standards that do  
5 not unfairly disadvantage financially needy students in pursuing  
6 their education.

7 (ii) Criteria for reviewing extenuating circumstances and  
8 granting appeals that, at a minimum, take into account and do not  
9 penalize a student for circumstances outside his or her control,  
10 such as reductions in student support services or changes to the  
11 economic situation of the student.

12 (iii) A process for reestablishing fee waiver eligibility that  
13 provides a student with a reasonable opportunity to continue or  
14 resume his or her enrollment at a community college.

15 (B) To ensure that students are not unfairly impacted by the  
16 requirements of subparagraph (A) of paragraph (1), the board of  
17 governors shall establish a reasonable implementation period that  
18 commences no sooner than one year from adoption of the minimum  
19 academic and progress standards, or any subsequent changes to  
20 these standards, pursuant to subparagraph (A) of paragraph (1)  
21 and that is phased in to provide students adequate notification of  
22 this requirement and information about available support resources.

23 (3) It is the intent of the Legislature that minimum academic  
24 and progress standards adopted pursuant to subparagraph (A) of  
25 paragraph (1) be implemented only as campuses develop and  
26 implement the student support services and interventions necessary  
27 to ensure no disproportionate impact to students based on ethnicity,  
28 gender, disability, or socioeconomic status. The board of governors  
29 shall consider the ability of community college districts to meet  
30 the requirements of this paragraph before adopting minimum  
31 academic and progress standards, or any subsequent changes to  
32 these standards, pursuant to subparagraph (A) of paragraph (1).

33 (4) It is the intent of the Legislature to ensure that a student shall  
34 not lose fee waiver eligibility without a community college campus  
35 first demonstrating a reasonable effort to provide a student with  
36 adequate notification and assistance in maintaining his or her fee  
37 waiver eligibility. The board of governors shall adopt regulations  
38 to implement this paragraph that ensure all of the following:

1 (A) Students are provided information about the available  
2 student support services to assist them in maintaining fee waiver  
3 eligibility.

4 (B) Community college district policies and course catalogs  
5 reflect the minimum academic and progress standards adopted  
6 pursuant to subparagraph (A) of paragraph (1) and that appropriate  
7 notice is provided to students before the policies are put into effect.

8 (C) A student does not lose fee waiver eligibility unless he or  
9 she has not met minimum academic and progress standards adopted  
10 pursuant to subparagraph (A) of paragraph (1) for a period of no  
11 less than two consecutive academic terms.

12 (5) The board of governors shall provide notification of a  
13 proposed action to adopt regulations pursuant to this subdivision  
14 to the appropriate policy and fiscal committees of the Legislature  
15 in accordance with the requirements of paragraph (1) of subdivision  
16 (a) of Section 70901.5. This notification shall include, but not be  
17 limited to, all of the following:

18 (A) The proposed minimum academic and progress standards  
19 and information detailing how the requirements of paragraphs (1)  
20 to (4), inclusive, have been or will be satisfied.

21 (B) How many students may lose fee waiver eligibility by  
22 ethnicity, gender, disability, and, to the extent relevant data is  
23 available, by socioeconomic status.

24 (C) The criteria for reviewing extenuating circumstances,  
25 granting appeals, and reestablishing fee waiver eligibility pursuant  
26 to paragraph (2).

27 (h) The fee requirements of this section shall be waived for any  
28 student who, at the time of enrollment, is a dependent or surviving  
29 spouse who has not remarried, of any member of the California  
30 National Guard who, in the line of duty and while in the active  
31 service of the state, was killed, died of a disability resulting from  
32 an event that occurred while in the active service of the state, or  
33 is permanently disabled as a result of an event that occurred while  
34 in the active service of the state. "Active service of the state," for  
35 the purposes of this subdivision, refers to a member of the  
36 California National Guard activated pursuant to Section 146 of  
37 the Military and Veterans Code.

38 (i) The fee requirements of this section shall be waived for any  
39 student who is the surviving spouse or the child, natural or adopted,

1 of a deceased person who met all of the requirements of Section  
2 68120.

3 (j) The fee requirements of this section shall be waived for any  
4 student in an undergraduate program, including a student who has  
5 previously graduated from another undergraduate or graduate  
6 program, who is the dependent of any individual killed in the  
7 September 11, 2001, terrorist attacks on the World Trade Center  
8 and the Pentagon or the crash of United Airlines Flight 93 in  
9 southwestern Pennsylvania, if that dependent meets the financial  
10 need requirements set forth in Section 69432.7 for the Cal Grant  
11 A Program and either of the following applies:

12 (1) The dependent was a resident of California on September  
13 11, 2001.

14 (2) The individual killed in the attacks was a resident of  
15 California on September 11, 2001.

16 (k) A determination of whether a person is a resident of  
17 California on September 11, 2001, for purposes of subdivision (j)  
18 shall be based on the criteria set forth in Chapter 1 (commencing  
19 with Section 68000) of Part 41 of Division 5 for determining  
20 nonresident and resident tuition.

21 (l) (1) "Dependent," for purposes of subdivision (j), is a person  
22 who, because of his or her relationship to an individual killed as  
23 a result of injuries sustained during the terrorist attacks of  
24 September 11, 2001, qualifies for compensation under the federal  
25 September 11th Victim Compensation Fund of 2001 (Title IV  
26 (commencing with Section 401) of Public Law 107-42).

27 (2) A dependent who is the surviving spouse of an individual  
28 killed in the terrorist attacks of September 11, 2001, is entitled to  
29 the waivers provided in this section until January 1, 2013.

30 (3) A dependent who is the surviving child, natural or adopted,  
31 of an individual killed in the terrorist attacks of September 11,  
32 2001, is entitled to the waivers under subdivision (j) until that  
33 person attains 30 years of age.

34 (4) A dependent of an individual killed in the terrorist attacks  
35 of September 11, 2001, who is determined to be eligible by the  
36 California Victim Compensation and Government Claims Board,  
37 is also entitled to the waivers provided in this section until January  
38 1, 2013.

39 (m) (1) It is the intent of the Legislature that sufficient funds  
40 be provided to support the provision of a fee waiver for every

1 student who demonstrates eligibility pursuant to subdivisions (g)  
2 to (j), inclusive.

3 (2) From funds provided in the annual Budget Act, the board  
4 of governors shall allocate to community college districts, pursuant  
5 to this subdivision, an amount equal to 2 percent of the fees waived  
6 pursuant to subdivisions (g) to (j), inclusive. From funds provided  
7 in the annual Budget Act, the board of governors shall allocate to  
8 community college districts, pursuant to this subdivision, an  
9 amount equal to ninety-one cents (\$0.91) per credit unit waived  
10 pursuant to subdivisions (g) to (j), inclusive. It is the intent of the  
11 Legislature that funds provided pursuant to this subdivision be  
12 used to support the determination of financial need and delivery  
13 of student financial aid services, on the basis of the number of  
14 students for whom fees are waived. It also is the intent of the  
15 Legislature that the funds provided pursuant to this subdivision  
16 directly offset mandated costs claimed by community college  
17 districts pursuant to Commission on State Mandates consolidated  
18 Test Claims 99-TC-13 (Enrollment Fee Collection) and 00-TC-15  
19 (Enrollment Fee Waivers). Funds allocated to a community college  
20 district for determination of financial need and delivery of student  
21 financial aid services shall supplement, and shall not supplant, the  
22 level of funds allocated for the administration of student financial  
23 aid programs during the 1992–93 fiscal year.

24 (n) The board of governors shall adopt regulations implementing  
25 this section.

26 (o) This section shall become operative on May 1, 2012, only  
27 if subdivision (b) of Section 3.94 of the Budget Act of 2011 is  
28 operative.

29 *SEC. 2. If the Commission on State Mandates determines that*  
30 *this act contains costs mandated by the state, reimbursement to*  
31 *local agencies and school districts for those costs shall be made*  
32 *pursuant to Part 7 (commencing with Section 17500) of Division*  
33 *4 of Title 2 of the Government Code.*

34 ~~SECTION 1. It is the intent of the Legislature to enact~~  
35 ~~legislation later in the 2014–15 Regular Session that would modify~~  
36 ~~the fee waiver program of the Board of Governors of the California~~  
37 ~~Community Colleges, established pursuant to Section 76300 of~~  
38 ~~the Education Code, to waive all fees where the student's residency~~  
39 ~~status was improperly classified.~~

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